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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gustavo Sanchez APARISIO,

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAY 21 AM 11:25

'08 MJ 15 90

COMPLAINT FOR VIOLATION OF:

CP DEPUTY

Title 8, U.S.C., Section 1326

Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **May 20, 2008**, within the Southern District of California, defendant, **Gustavo Sanchez APARISIO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF MAY 2008.


 Anthony J. Battaglia
 UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Gustavo Sanchez APARISIO

PROBABLE CAUSE STATEMENT

On May 20, 2008, Border Patrol Agent M. Bouchard was assigned patrol duties in and around the town of Jacumba, California. Jacumba, California is located approximately 25 miles east of the Tecate, California Port of Entry and is located directly north of the United States International Border.

At approximately 5:17 a.m., Agent Bouchard was patrolling an area of Old Highway 80, when he observed a large group of individuals crossing north across Old Highway 80. When the individuals saw Agent Bouchard approaching they all ran and scattered in the area known as, "Calexico Lodge." At that time Agent Bouchard started to follow the footsteps left behind by the group of individuals.

At approximately 5:45 a.m., Agent Bouchard came upon twenty-one individuals who were hiding in the brush. Agent Bouchard identified himself as a United States Border Patrol Agent and questioned the group as to their citizenship. All twenty-one, including one later identified as defendant **Gustavo Sanchez APARISIO**, admitted to being citizens and nationals of Mexico illegally in the United States. They further admitted to not having any documentation which would allow them to reside, remain, or work in the United States legally. All twenty one were placed under arrest and transported to the Boulevard Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 9, 2008** through the Port of Entry at San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.